

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARIE V. PAGAN-LISBOA, DANIEL
JUSTINIANO-RAMIREZ, ET AL,

Plaintiffs,

v.

Civil No. 18-1830 (ADC)

SOCIAL SECURITY
ADMINISTRATION, ET AL,

Defendants.

OPINION AND ORDER

On June 15, 2021, this case was remanded by the Court of Appeals for the First Circuit. ECF Nos. 89, 90, 91.¹ Following the remand, on October 22, 2021, plaintiffs Marie V. Pagán-Lisboa (“Pagán-Lisboa”) and Daniel Justiniano-Ramírez (“Justiniano-Ramírez”) filed a motion requesting the Court to order the Social Security Administration (herein, the “government”) to reinstate their “disability insurance benefits.” ECF No. 92. On October 25, 2021, the government filed a response thereto, whereby, among other things, they acquiesce that the Court remand and “reinstate benefits for [p]laintiff [] Justiniano-Ramirez from the date of the termination of his benefits, subject to the agency’s rules for payment eligibility, and continue to pay benefits until an administrative law judge issues a new decision.” ECF No 94.

¹ This case was originally assigned to the trial docket of then-District Court Judge Gustavo A. Gelpí.

The case was assigned to the undersigned on November 2, 2021. **ECF No. 95.** A month later, plaintiff moved for class certification. **ECF No. 96.** The government responded by requesting that the Court “reverse the Commissioner’s decision,” and remand. **ECF No. 99.**

Because this case is before this Court on remand, the Court will examine the Court of Appeals’ Judgment and Mandate. The Court of Appeals entered a Judgment holding: “[t]he judgment entered as to []Págán-Lisboa² is affirmed, that part of the judgment as to [] Justiniano-Ramírez is vacated, and the matter is remanded to the district court for further proceedings consistent with the opinion issued this day.” **ECF No. 90.** Accordingly, the Court will proceed as instructed by the Court of Appeals.

The Court of Appeals literally spelled out “what to do about” Justiniano-Ramírez: “accept the [complaint’s] amendment and then... remand his case to the agency for new redetermination.” **ECF No. 22** (internal quotation marks omitted). Indeed, the First Circuit ordered “as to Justiniano-Ramírez, we vacate that part of the judgment against him and remand so the judge can accept the amended complaint and then enter a new judgment remanding his case (with Págán-Lisboa’s) for a new redetermination proceeding.” *Id.*, at 23.

Accordingly, the Court hereby accepts Justiniano-Ramírez amended complaint³ and pursuant to 42 U.S.C. § 405(g) hereby **REVERSES** the Social Security Administration decision

² As it pertains to Pagán-Lisboa, the District Court “granted [the government’s] request and entered final judgment remanding Pag[á]n-Lisboa’s case to the agency, ordering the agency to reinstate her benefits back to the date the agency terminated them (while the agency worked on a new decision), and dismissing” her claims. **ECF No. 89** at 10.

³ See **ECF No. 22-1.**

and hereby **REMANDS** for new redetermination proceedings. Furthermore, as requested by the parties, the Court hereby orders the Social Security Administration to reinstate benefits back to the date they were terminated, subject to the agency's rules for payment eligibility, and continue to pay benefits until an administrative law judge issues a new decision. Motions at ECF Nos. 97 and 98 are **MOOT**. ECF No. 96 is **NOTED**.

Therefore, the case is hereby **DISMISSED**. The Clerk of Court shall enter judgment accordingly.

All pending motions are thus **MOOT**.

SO ORDERED.

At San Juan, Puerto Rico, on this 26th day of April, 2022.

S/AIDA M. DELGADO-COLÓN
United States District Judge